

17 April 1981

MEMORANDUM FOR: Acting Director of Central Intelligence

FROM : Robert M. Gates

SUBJECT : Presidential Memorandum on Unauthorized Disclosures

1. Evan Hineman has forwarded NFAC's proposed memorandum from the President to appropriate Cabinet officials concerning unauthorized disclosures (Tab C). As I told you this morning, this strikes me as a narrower memorandum than the President would want to sign.

2. I attach a proposed package that you and the DCI may wish to consider as an alternative. My idea is that the President simultaneously would send out two memoranda, one to all department and agency heads that would express his concerns and set up a procedure explicitly placing responsibility for unauthorized disclosures directly on the shoulders of the agency head and requiring each agency head personally and in writing to authorize those disclosures deemed "necessary" (Tab B).

3. The second memorandum (Tab A) would be addressed to the members of the National Security Council and would be more direct. It would address specifically the unauthorized disclosure of sensitive DoD and intelligence information as well as the deliberations of the NSC itself. The most salient point in the memorandum is that it would inform the members of the NSC that those who have authorized access to information relating to sensitive Department of Defense plans or programs or intelligence sources will be subject to polygraph examination in connection with investigations by the FBI and Justice of specific security breaches. It would state that refusal to take such an examination would be grounds for dismissal from the government. There have been several instances, [redacted]

[redacted] when the polygraphing of fewer than ten officials in the government would almost certainly have revealed the identity of the leaker. I think this could be an effective deterrent, not to mention a useful investigative tool.

4. If this Administration really wants to do anything about leaks, it cannot continue to rely solely on exhortation--as all of its predecessors have. New procedures for authorization of disclosure and the use of available legal investigative techniques must be brought to bear to get control of the problem of leaks.

Unless this Administration is prepared to bite this bullet, then its efforts--like those of its predecessors--will fail. Discipline has declined so badly that dramatic measures must be taken to begin setting things aright.

Robert M. Gates

**Attachments**

Tabs A - D

(The Director's memorandum to you on the subject of leaks, with associated background materials, is at Tab D.)

MEMORANDUM FOR: The Vice President  
The Secretary of State  
The Secretary of Defense  
The Attorney General  
The Director of Central Intelligence  
The Counsellor to the President  
The White House Chief of Staff  
The Assistant to the President for National  
Security Affairs  
The Chairman of the Joint Chiefs of Staff

SUBJECT : Unauthorized Disclosures

During the past 20 years, the problem of unauthorized disclosures of the deliberations of the National Security Council and its subordinate bodies and of sensitive intelligence information increasingly has hampered the formulation of national security policy and compromised vital intelligence sources. Each of my predecessors during this period has attempted to stop such disclosures, and a variety of sanctions has been proposed to deter and, as appropriate, punish those who leak. The problem has reached such enormous proportions that, despite the daunting prospects, I must make every legal effort to bring these disclosures under control.

I intend to issue today a memorandum for the heads of all departments and agencies concerning the protection of properly classified information and setting forth new procedures governing the authorized disclosure of information concerning intelligence and classified information. In addition to the new procedures that will be outlined in that memorandum, I have decided to take one additional step for the protection of especially sensitive defense and intelligence information and to assist in what heretofore has been a series of fruitless investigations to identify those who have leaked sensitive information. Specifically, all government officials who have authorized access to information concerning especially sensitive Department of Defense plans and programs or intelligence matters shall be subject to polygraph examination in connection with investigation by the FBI and the Department of Justice of specific security breaches. Refusal to take such a polygraph examination shall be grounds for dismissal from the government.

I also have been dismayed in recent weeks by unauthorized disclosures concerning the proceedings of the National Security Council during this Administration. I hold each of you responsible for maintaining the privacy of our deliberations

and for ensuring that those of your subordinates who must be informed of elements of our discussions also treat them with the highest sensitivity. Disclosure of our deliberations by anyone at any level without my prior authorization must stop.

Additionally, in recent weeks there have been striking disclosures of highly sensitive intelligence information relating to developments abroad. These public disclosures have on occasion gone so far as to cite specific intelligence collection capabilities. The information that already has appeared gives the USSR and other foreign powers substantial insight into our intelligence capabilities and limitations. When closely compartmented information appears in the press only hours after it is disseminated to official intelligence consumers, security discipline is undermined at all levels of government. When senior officials are known to be the source of such harmful disclosures they lose the confidence of their colleagues and the respect of their subordinates. Moreover, foreign sources and governments who cooperate in our collection operations have complained about our lax attitude because we jeopardize their intelligence activities as well as our own.

In this regard, I believe that recent lapses in this area derive from the pursuit of desirable objectives but with an inadequate appreciation of the harm that is being done. We obviously must provide information to our allies and to the American public in order to obtain their cooperation and support in our foreign policy endeavors, but we cannot satisfy these needs at the expense of present and future intelligence capabilities. In instances where you determine that the disclosure of classified information by one of your subordinates is necessary, I hold each of you personally responsible for ensuring full compliance by your staff with applicable orders and regulations. You personally must authorize any public disclosure initiative by your subordinates. Any disclosure involving national intelligence assets, including release to foreign governments, will require the prior approval of the Director of Central Intelligence or his designee.

Finally, in the past, the most senior officials of the United States Government routinely have disclosed classified information on U.S. defense programs and intelligence. Each of you has important responsibilities for informing and educating the American people and our friends and allies abroad. As you fulfill these responsibilities, I hope that you will set an example for your subordinates in your care not to disclose classified information without informally consulting the NSC or intelligence information without consulting the Director of Central Intelligence.

The time has come to reverse the flood of unauthorized disclosures. Our national security depends upon this and I intend to fulfill my responsibilities in this regard. I expect each of you to do no less.

Ronald Reagan

## MEMORANDUM FOR THE HEADS OF DEPARTMENTS AND AGENCIES

The protection of properly classified information is of the highest importance to the national security and the successful conduct of our foreign policy. While this Administration will make every effort to ensure the greatest possible public access to information on the conduct of the government's business, the public interest also requires that all appropriate steps be taken to protect properly classified information. For this purpose, I have decided to institute certain measures immediately, pending review of existing Executive Orders affecting classification and information security. Each department or agency head shall take all necessary actions to implement the following program for the protection of classified information:

1. All existing programs shall be vigorously enforced to prevent improper classification of information.

2. Henceforth, each department or agency head must personally authorize in writing any discussion with the press by subordinates of matters concerning intelligence or classified information.

3. In the performance of official duties it may occasionally be necessary to provide information based on intelligence or classified information to persons outside the government and to representatives of foreign governments. Each department and agency head shall establish procedures to govern such authorized disclosures of information. These procedures shall:

- a. require that any official making such a disclosure possess prior written approval from the department or agency head setting forth the information to be provided, the identity of the recipient and the justification for the department or agency head's determination that provision of such information is necessary to the performance of official duties. This approval should have the concurrence of an appropriate official of the department or agency that originated the information and, in the case of information relating to intelligence, of the Director of Central Intelligence;

- b. require that a subsequent written record be kept of all provision of information relating to such approval;

- c. provide that any employee who discloses information concerning classified information or intelligence and who has not obtained written approval will be subject to disciplinary sanctions, including dismissal.

4. The Attorney General shall ensure the vigorous enforcement of all existing criminal laws and civil remedies, and the use of all lawful techniques of investigation and prosecution, in cases of serious breaches of security. No person, whether inside or outside government, shall be treated as immune from investigation or from appropriate civil or criminal legal action.

5. The Federal Bureau of Investigation is authorized, except as expressly prohibited by law, to undertake investigations of serious security breaches, whether for purposes of eventual criminal prosecution or for purposes of the application of civil remedies or disciplinary sanctions.

Ronald Reagan